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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL G. PORTO (a.k.a. GUY MICHAELS)

Plaintiff,

v.

STEPHEN ADLY GUIRGIS, LABYRINTH
THEATER COMPANY, PHILIP SEYMOUR
HOFFMAN, FABER AND FABER, INC., AND
DRAMATISTS PLAY SERVICE, INC.,

Defendants.

Civil Action No. 08 Civ. 1228 (LTS)(GWG)

NOTICE OF MOTION

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION TO DISMISS OR IN THE ALTERNATIVE FOR
SUMMARY JUDGMENT, AND FOR AN AWARD OF COSTS
AND ATTORNEYS' FEES UNDER 17 U.S.C. § 505**

PLEASE TAKE NOTICE that, upon the annexed supporting declarations of Stephen Adly Guirgis and Adam D. Siegartel, with their respective exhibits, the accompanying Memorandum of Law, and all pleadings and papers so far filed in this action, defendants Stephen Adly Guirgis, Philip Seymour Hoffman, LAByrinth Theater Company, Faber and Faber, Inc., and Dramatists Play Service, Inc. (collectively, "defendants"), through their attorneys Proskauer Rose LLP, shall move this Court on a date to be designated by the Court for an order pursuant to Rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure to dismiss or in the

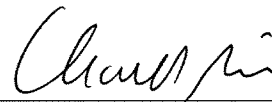
alternative for summary judgment on all causes of action asserted in plaintiff's Amended Complaint dated March 25, 2008.

Additionally, relying upon the same above-referenced materials, defendants shall move this Court on a date to be designated by the Court for an order pursuant to 17 U.S.C § 505 for costs and attorneys' fees in defending this matter.

Defendants' counsel certifies that defendants have used their best efforts to resolve informally the matters raised in this submission, but have been unable to do so.

Dated: June 27, 2008
New York, New York

PROSKAUER ROSE LLP



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